

Falcon Heights City Council Workshop

**City Hall
2077 W Larpenteur Ave.
6:30 p.m.**

AGENDA Wednesday, February 1, 2012

- 1) Update on Hermes Site by Broker Tim Venne
(Cushman/Wakefield/NorthMarq)**

- 2) Presentation and Discussion on Information Relating to a
Vacant Building Ordinance**

If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.



The City That Soars!

WORKSHOP ITEM

Meeting Date	February 1, 2012
Agenda Item	Workshop 1
Submitted By	Bart Fischer, City Administrator

Item	Update on Hermes Site by Broker Tim Venne (Cushman/Wakefield/NorthMarq)
Description	Tim Venne the Broker on the Hermes site would like to provide an update on where the seller is at on the Hermes site. Tim does not have materials for the packet or a presentation but rather would like to just briefly discuss things. Deb Jones has provided for attachment the items she provided to the Planning Commission at their last meeting where Tim also provided an update.
Budget Impact	N/A
Attachment(s)	Documents that Deb Jones provided to the Planning Commission for Tim's update to them.

Hermes Properties

2008 Aerial Photo - Ramsey County/Pictometry



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (January 3, 2012), The Lawrence Group; January 3, 2012 for County parcel and property records data; January 2012 for commercial and residential data; April 2009 for color aerial imagery; All



Ramsey County Parcel Polygons Information Report

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

Parcel ID: 212923120005
 Street Number: 1790
 Street: LARPENTEUR AVE W
 City: FALCON HEIGHTS
 Owner Name 1: HERMES LAND COMPANY LLC

Ramsey County Property (RRINFO) Search: [Search by Parcel ID](#)

Unit:
 ZIP: 55113-5736
 Owner Street Address: 1750 Larpenteur Ave W
 Homesteader Name 2:
 Deeded Acres: 0.78

Tax Description: SECTION 21 TOWN 29 RANGE 23 SUB TO CO RD A AND EX S 1026 66/100 FT THE E 141 43/100 FT OF W 683 58/100 FT OF N 1/2 OF NE 1/4 OF SEC 21 TN 29 RN 23

Abstract ID:
 County Land Use Code (PR&R): COMMERCIAL
 Market Value Total 2011: 781200
 Market Value Bldg 2010: 482500
 Market Value Land 2009: 339800
 Total Tax Payable 2009: 23378
 Homestead Description:
 Total Residential Living Area: 0
 Residence Number of Stories: 0
 Commercial Structure Type: WAREHOUSE
 School District: ROSEVILLE SCHOOL DISTRICT

Parcel ID: 212923120005
 Street: LARPENTEUR AVE W
 Owner Name 1: HERMES LAND COMPANY LLC
 Owner City/State/Zip: Saint Paul MN 55113-5736
 Homesteader Street Address:
 Deeded Area (sq.ft.): 33976.8

Plat Name: SECTION 21 TOWN 29 RANGE 23

Torrens ID:
 Market Value Land 2011: 339800
 Total Tax Payable 2011: 24968
 Market Value Total 2010: 822300
 Market Value Bldg 2009: 482500
 Date of Last Sale: Sat, 1 Aug 1992 00:00:00
 Number of Residential Units: 0
 Residence Exterior:
 Residence Number of Rooms: 0
 Topography: LEVEL
 Watershed District: CAPITAL REGION W/S

Street Number: 1790
 City: FALCON HEIGHTS
 Owner Name 2:
 Homesteader Name 1:
 Homesteader City/State/Zip: -
 Approximate Lot Frontage (ft): 0

Date Plat Recorded:
 County Land Use Code (CAMA): MANUFACTURING & ASSEMBLY LIGHT
 Market Value Bldg 2011: 441400
 Market Value Land 2010: 339800
 Total Tax Payable 2010: 24696
 Market Value Total 2009: 822300
 Sale Price: 410000
 Year Built: 1957
 Residence Style:
 Residence Number of Bedrooms: 0
 Utilities: ALL PUBLIC

Parcel ID: 212923120007
 Street Number: 1750
 Street: LARPENTEUR AVE W
 City: FALCON HEIGHTS
 Owner Name 1: HERMES LAND COMPANY LLC

Ramsey County Property (RRINFO) Search: [Search by Parcel ID](#)

Unit:
 ZIP: 55113-5736
 Owner Street Address: 1750 Larpenteur Ave W
 Homesteader Name 2:
 Deeded Acres: 1.88

Tax Description: SECTION 21 TOWN 29 RANGE 23 EX S 750 FT AND EX W 825 01/100 FT AND EX E 330 FT THE NW 1/4 OF NE 1/4 (SUBJ TO RD) IN SEC 21 TN 29 RN 23

Abstract ID:
 County Land Use Code (PR&R): AGRICULTURAL
 Market Value Total 2011: 1357200
 Market Value Bldg 2010: 636400
 Market Value Land 2009: 818900
 Total Tax Payable 2009: 37600
 Homestead Description:
 Total Residential Living Area: 0
 Residence Number of Stories: 0
 Commercial Structure Type: GREENHOUSE/FLORIST
 School District: ROSEVILLE SCHOOL DISTRICT

Parcel ID: 212923120007
 Street: LARPENTEUR AVE W
 Owner Name 1: HERMES LAND COMPANY LLC
 Owner City/State/Zip: Saint Paul MN 55113-5736
 Homesteader Street Address:
 Deeded Area (sq.ft.): 81892.8

Plat Name: SECTION 21 TOWN 29 RANGE 23

Torrens ID:
 Market Value Land 2011: 818900
 Total Tax Payable 2011: 39360
 Market Value Total 2010: 1455300
 Market Value Bldg 2009: 636400
 Date of Last Sale:
 Number of Residential Units: 0
 Residence Exterior:
 Residence Number of Rooms: 0
 Topography: LEVEL
 Watershed District: CAPITAL REGION W/S

Street Number: 1750
 City: FALCON HEIGHTS
 Owner Name 2:
 Homesteader Name 1:
 Homesteader City/State/Zip: -
 Approximate Lot Frontage (ft): 0

Date Plat Recorded:
 County Land Use Code (CAMA): GREENHOUSES, VEGETABLES & FLORACULT.
 Market Value Bldg 2011: 538300
 Market Value Land 2010: 818900
 Total Tax Payable 2010: 39932
 Market Value Total 2009: 1455300
 Sale Price: 0
 Year Built: 1926
 Residence Style:
 Residence Number of Bedrooms: 0
 Utilities: ALL PUBLIC

Parcel ID: 212923120006
 Street Number: 0

Street:	LARPEN TEUR AVE W	
City:	FALCON HEIGHTS	
Owner Name 1:	HERMES LAND COMPANY LLC	
Ramsey County Property (RRINFO) Search: Search by Parcel ID	Parcel ID: 212923120006	Street Number: 0
Unit:	Street: LARPEN TEUR AVE W	City: FALCON HEIGHTS
ZIP: 55113-	Owner Name 1: HERMES LAND COMPANY LLC	Owner Name 2:
Owner Street Address: 1750 Larpenteur Ave W	Owner City/State/Zip: Saint Paul MN 55113-5736	Homesteader Name 1:
Homesteader Name 2:	Homesteader Street Address:	Homesteader City/State/Zip: -
Deeded Acres: 0.78	Deeded Area (sq.ft.): 33976.8	Approximate Lot Frontage (ft): 0
Tax Description: SECTION 21 TOWN 29 RANGE 23 SUB TO CO RD A AND EX S 1026 66/100 FT THE E 141 43/100 FT OF W 825 01/100 FT OF N 1/2 OF NE 1/4 OF SEC 21 TN 29 RN 23	Plat Name: SECTION 21 TOWN 29 RANGE 23	Date Plat Recorded:
Abstract ID:	Torrens ID:	County Land Use Code (CAMA): COMMERCIAL VACANT LAND
County Land Use Code (PR&R): COMMERCIAL	Market Value Land 2011: 339800	Market Value Bldg 2011: 0
Market Value Total 2011: 339800	Total Tax Payable 2011: 11374	Market Value Land 2010: 288800
Market Value Bldg 2010: 0	Market Value Total 2010: 288800	Total Tax Payable 2010: 9060
Market Value Land 2009: 288800	Market Value Bldg 2009: 0	Market Value Total 2009: 288800
Total Tax Payable 2009: 8574	Date of Last Sale: Sat, 1 Aug 1992 00:00:00	Sale Price: 50600
Homestead Description:	Number of Residential Units: 0	Year Built: 0
Total Residential Living Area: 0	Residence Exterior:	Residence Style:
Residence Number of Stories: 0	Residence Number of Rooms: 0	Residence Number of Bedrooms: 0
Commercial Structure Type:	Topography: LEVEL	Utilities: ALL PUBLIC
School District: ROSEVILLE SCHOOL DISTRICT	Watershed District: CAPITAL REGION W/S	

Sec. 113-182. R-5M mixed use high density residential district.

- (a) *Scope.* The provisions of this section apply to the R-5M mixed use high density residential district.
- (b) *Purpose and intent.* The purpose of the mixed use high density residential district is to provide high density, primarily apartment style, rental and condominium housing with limited commercial uses within the same structure. The intent of the district is to meet or exceed the city's comprehensive plan density goal of 28 residential units per acre.
- (c) *Permitted uses.*
 - (1) Apartment buildings with a maximum of 40 dwelling units per acre.
 - (2) Permitted uses in the B-2 zoning district.
 - (3) State licensed residential facilities serving from seven through 16 persons.
 - (4) State licensed day care facilities serving from 13 to 16 persons.
- (d) *Conditional uses.*
 - (1) Conditional uses in the B-2 zoning district.
 - (2) Public parks and playgrounds.
 - (3) Municipal buildings and structures.
 - (4) Essential service structures.
- (e) *Interim uses.* Farmers' markets that meet the following criteria: Operate no more than one day per week; site includes not less than 284 parking spaces for customers of the market; market may not operate before 6:30 a.m. or after 8:00 p.m.; a managing agent must be named who is responsible for the conduct of the vendors in compliance with the conditions of the interim use permit.
- (f) *Permitted accessory uses.*
 - (1) Off-street parking and loading, signs, fences, and decorative landscape features as regulated herein.
 - (2) Temporary construction buildings.
 - (3) Accessory uses in the B-2 zoning district.
- (g) *Lot area, height, lot width, and yard requirements.*
 - (1) The following minimum requirements shall be observed subject to additional requirements except as modified in this section and in section 113-241:

TABLE INSET:

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
2.5 acres	200 feet	30 feet	10 feet or 1/2 the height of the building, whichever is greater	30 feet

- (2) The required setback from a lot line abutting property zoned R-1 is 50 feet.

- (3) If there is a commercial use on the first floor, the required setback from a lot line abutting Larpenteur Avenue or Snelling Avenue is 15 feet.
- (4) Except as provided in section 113-243, the maximum height is four stories or 40 feet, whichever is less.

(Ord. No. 10-06, § 5, 9-8-2010)

Secs. 113-183--113-198. Reserved.



The City That Soars!

WORKSHOP ITEM

Meeting Date	February 1, 2012
Agenda Item	Workshop 2
Submitted By	Bart Fischer, City Administrator

Item	Presentation and Discussion on Information Relating to a Vacant Building Ordinance
Description	Because of the recent economic conditions and especially as they relate to housing, property foreclosures and vacant buildings, some municipalities have looked into adopting ordinances that specifically address vacant properties. Deb Jones has researched this issue and how it relates to Falcon Heights. We can discuss the information/item at the workshop.
Budget Impact	N/A
Attachment(s)	Documents/research provided by Deb Jones based on her research regarding vacant building ordinances.

Vacant Building Ordinances – Research Packet

Falcon Heights City Council

February 1, 2012

Researched by Deb Jones, Zoning and Planning Director

Thanks to City Attorney Roger Knutson for LMC materials and ordinances from Brooklyn Center and Minneapolis.

Packet Materials Provided:

- "Overview of Municipal Vacant Building Registries", Partnership for the Public Good, Buffalo, NY (Chart mentioned in Paragraph 1 is not included but can be found in the Additional Materials listed below.)
- Chapter 22 - Environment, Falcon Heights City Code ("Nuisance" chapter)
- Sections 113-373 Landscaping and 113-374 Reasonable Maintenance, Falcon Heights City Code
- "Dealing With Vacant Foreclosed Properties," League of Minnesota Cities, 2008
- League of Minnesota Cities Sample Ordinance Regarding Securing of Vacant Buildings
- Minnesota section of "Vacant & Abandoned Properties: Municipal Ordinances", American Financial Services Association, December, 2011 (comparison chart of all MN cities with ordinances as of 12/1/2011; does not include City of Newport, adopted 12/1/11)
- Vacant Building Ordinance, City of Sacramento, CA
- City of Chicago, Vacant Building Guidelines
- Sample Vacant Building Registration Forms: Crystal, Richfield, Hopkins
- "Richfield's Vacant Building Ordinance," Aaron Dickenson, Twin Cities Real Estate Blog, March 15, 2011. [*Staff note: This article is included to make Councilmembers aware of opposition arguments that may be brought forward by the real estate industry and others.*]

Additional Materials Available at Workshop:

- Falcon Heights City Code, Chapter 105, Buildings and Building Regulations (Councilmembers may refer to their own copies of the City Code)
- "Keeping Your Composure Over Foreclosures – Problems and Solutions" – League of Minnesota Cities
- Comparison chart of selected American cities originally attached to "Overview of Municipal Vacant Building Registries," Partnership for the Public Good, Buffalo, NY
- City of Richfield ordinance
- City of Brooklyn Center ordinance
- City of Brooklyn Center web pages "Vacant Building Program"
- City of Crystal ordinance
- City of Anoka ordinance
- City of St. Paul ordinance
- City of Hopkins ordinance
- City of Minneapolis ordinance
- City of Crystal ordinance

- City of Crystal FAQ
- City of Princeton ordinance
- City of Coon Rapids ordinance
- City of Newport ordinance
- City of Chicago ordinance
- City of Sacramento web page: "Vacant Building Ordinance"
- City of Sacramento staff report for vacant building ordinance

Overview of Municipal Vacant Building Registries

i. Introduction

As regions grow and populations migrate outside city centers, many municipalities are being confronted with a rise in vacant properties. To help combat this increase, some municipalities require the owners of vacant buildings to register their property. In most cases, the owner must register the property within 30 days of the property becoming vacant or face civil and criminal penalties and/or liens on the property. Nonetheless, the definition of “vacant,” the fees charged for registration, the section of the local code containing the ordinance (e.g., building code, public health code), and the enforcement mechanisms vary by ordinance. The discussion below provides a general overview of how vacant property registries operate, while the attached chart details the definition of “vacant,” the fees, the section of the code containing the registration requirements, and the enforcement mechanisms for municipalities that have vacant property registries.

ii. Definition of Vacancy

Identifying which buildings are vacant, and thus subject to registration, may be the most important consideration of a vacant property registration ordinance. Several of the vacant property registries provide a two-part test for determining if a property is “vacant.” First, many ordinances consider whether the property is “unoccupied.” For example, Albany, NY, defines “unoccupied” as “a building which is not being used for an occupancy authorized by the owner.” On the other hand, Binghamton, NY defines “unoccupied” as “a building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises.” In addition, Binghamton permits considerations like whether lawful activity has ceased, whether the building is empty or contains items of minimal value, and whether the building lacks utilities

or is subject to foreclosure in determining if a building is “unoccupied.”

Second, ordinances that consider if a building is “unoccupied” in determining vacancy often require satisfaction of an additional element. Such elements generally include whether the building is unsecured, whether it is secured by other than normal means, whether the fire department or housing department has determined the building to be unsafe or has issued violations, and whether the building is being illegally occupied. Some ordinances state that a building is vacant if it is unoccupied for over 30 days.

Notably, some ordinances do not provide a detailed test to determine if a building is vacant. For example, Chicago’s ordinance states that a building is vacant if it lacks the habitual presence of human beings. Nonetheless, Chicago’s ordinance provides factors for authorities to consider like the value and condition of the items in the building.

While most ordinances provide clear definitions for “vacant” and “unoccupied,” some do not. Surprisingly, it does not appear that any owners have challenged such ordinances, at least, in reported court cases. Thus, ordinances without such definitions may not be actively enforced.

iii. Fees

Most vacant property registry ordinances have registration fees that increase the longer the property is vacant. For example, the annual registration fee may be \$250 in year one, \$500 in year two, \$1,000 in year three, \$1,500 in year four, and \$2,000 in year five and beyond. Nonetheless, other ordinances maintain the same fee regardless of how long the property is vacant. For example, in Richmond, Virginia, the annual fee is a mere \$25, but in Minneapolis, the annual fee is \$6,000.

A few ordinances do not charge a registration fee. Nonetheless, such ordinances often provide that the municipality may charge the owners fees for regularly inspecting the property.

Few ordinances state how fees collected will be allocated. Thus, the registration fees collected may be placed in the municipality's general fund as opposed to being allocated for rehabilitation or enforcement efforts.

iv. Section of the Municipal Code featuring the Vacant Property Registry

For the most part, vacant property registries are included in a municipality's building code. Generally, the owners of vacant property must submit their contact information and provide a local agent for service of process. Several ordinances require the contact information for lienholders, as well.

Additionally, many ordinances require the owner to submit a "vacant building plan" when registering the property. A "vacant building plan" generally requires a plan for demolition or rehabilitation and a plan for securing the building. A few municipalities will only allow the owner to register the property for a specific period; then the owner must rehabilitate it or demolish it.

A few municipalities include vacant property registries in other areas of their codes like public health or nuisance abatement. Columbus, Nebraska, includes its vacant property registry in its Business Regulations. Unlike most cities that require registration with the building and housing inspector, Columbus, Nebraska, requires owners to register vacant properties with its police department. Accordingly, Columbus' ordinance may be more concerned with preventing drug houses than building preservation.

v. Enforcement

Vacant property registration ordinances provide a variety of enforcement mechanisms. Many of the registries provide civil penalties for failure to register. Often, a municipality will assess a penalty for each day the owner fails to register. Thus, an owner of a property in a

municipality with an ordinance that provides a \$100 per day penalty may be subject to a \$36,500 penalty if he fails to register for one year.

In addition to civil penalties, some ordinances permit municipalities to place a lien on the property for unpaid registration fees. Often, these liens are subject to interest. Further, some ordinances state that new owners are responsible for the unpaid fees of the previous owner.

A few ordinances provide misdemeanor criminal penalties for those who do not register their properties. Ordinances featuring criminal penalties feature fines that run as high as \$1,000 per day of non-compliance. Some ordinances provide imprisonment for less than one year. Notably, the criminal penalty ordinances often define “owner” broadly. Thus, the owner, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or corporation in control could be criminally liable for failing to register the property.

The actual enforcement of registration requirements is subject to debate. Research in legal databases did not reveal any cases where courts held individuals criminally liable for failing to register properties. Nonetheless, several Illinois courts have upheld the daily civil penalty for failure to comply with Chicago’s registration requirements. Regardless, judicial consideration of vacant property registries is quite rare, at least in reported decisions.

Further, very few municipalities have publicly discussed enforcement of their registration requirements. Nonetheless, in both Albany and Chicago, the vacant property registry is just one part of comprehensive plan for combating vacant properties. In Chicago, the Police, the Department of Buildings, the City Law Department, and the Department of Housing work together to ensure that vacant properties are registered and then try to force the owner to rehabilitate or transfer title of the property. In Albany, the Fire Department has assumed an active role in searching for vacant buildings and determining if rehabilitation or demolition is

more appropriate.

vi. State Vacant Property Registry Laws

Research did not reveal any state vacant property registries. Virginia appears to be the only state that specifically discusses vacant property registries. Virginia law provides that a city may charge a maximum of \$25 annually to defray the cost of vacant building registration. Richmond, Virginia, uses the state law as the basis for its registry program. Municipalities in other states appear to use the authority to enact local building, housing, and public safety ordinances granted to them by the state.

vii. Further Thoughts

Vacant property registry laws generally provide civil monetary penalties and/or liens for failure to register. A few registry laws provide criminal penalties, as well. In many cases, these penalties are redundant. Most building codes already include penalties for failing to maintain a property according to the local building code. A municipality may find it easier just to increase existing penalties for such violations rather than institute an additional program that it must administer.

Nonetheless, a vacant property registry could be useful in conjunction with a program that permits individuals and non-profit organizations to acquire abandoned property for rehabilitation. For example, a municipality could enact a law that requires owners of vacant properties to register the property and provide a plan for the property's rehabilitation or demolition. If the owner does not follow the rehabilitation or demolition plan within a grace period (e.g., three years), an individual or organization with a rehabilitation or demolition plan could file a petition to obtain title to the property. Further, if an owner fails to register a property within a specific time, he or she would not be subject to civil or criminal penalties, but the grace

period would not apply. Thus, anyone with a rehabilitation or demolition plan could file a petition to obtain the property at any time.

A registry of this sort could be very cost effective. Owners could register properties on a website, and the public could search the registry to see if a property has been registered. An owner who rehabilitates or demolishes a property can then enter building permit and inspection information to have the property removed from the registry. If an owner does enter this information within the grace period, the property would then be moved to a list of properties available to the public.

Finally, it must be noted that the definition of “vacant” in many existing registry laws could be applied to properties owned by the elderly or the infirmed who are receiving long-term treatment at inpatient facilities. The possibility of penalizing people who fail to register their properties in such situations hardly seems fair. Vacant property registry laws should be tailored to permit judicial discretion where the owner is experiencing unforeseen hardship.

Chapter 22 ENVIRONMENT

Article I. In General

Secs. 22-1--22-18. Reserved.

Article II. Blight

[Sec. 22-19. Causes of blight or blighting factors.](#)

[Sec. 22-20. Notification; deadline for removal.](#)

[Sec. 22-21. Abatement.](#)

Secs. 22-22--22-45. Reserved.

Article III. Public Nuisances

[Sec. 22-46. Purpose.](#)

[Sec. 22-47. Public place defined; nuisances.](#)

[Sec. 22-48. Abatement.](#)

ARTICLE I. IN GENERAL

Secs. 22-1--22-18. Reserved.

ARTICLE II. BLIGHT*

***State law references:** Authority to define and abate nuisances, Minn. Stats. § 412.221, subd. 23.

Sec. 22-19. Causes of blight or blighting factors.

It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city owned, leased, rented or occupied by such person.

- (1) *Inoperable vehicles.* In any area zoned for residential purposes, the storage upon any property of inoperable vehicles is illegal. For the purpose of this section, the term "inoperable vehicle" shall include any motor vehicle, or part of a motor vehicle, not stored in a garage, which is either:
 - a. Unusable or inoperable because of lack of, or defects in, component parts;
 - b. Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;
 - c. Beyond repair and not intended for future use as a motor vehicle;
 - d. Being parked on any street or alley, for a period exceeding 48 consecutive hours; or
 - e. Without valid and current license plates issued by the proper state agency attached.

- (2) *Special permits.* The city council in its discretion, upon receipt of an application showing hardship in special circumstances may, in the instance of an inoperable vehicle, issue a special permit with appropriate conditions attached permitting an individual to keep such vehicle for a period not to exceed 60 days.
- (3) *Junk, trash, rubbish and refuse.* In any area within the city, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed 14 days is illegal. The term "junk" shall include, but not be limited to, parts of machinery or motor vehicles; unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable or safe; approved building materials; common household items; metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.
- (4) *Noxious weeds, vegetation and substances.* No owner agent or occupant of any premises shall permit upon his or her premises any noxious weeds as defined in Minn. Stats. § 18.77, weeds or grass growing to a height greater than six inches or which have gone or are about to go to seed, fallen trees, dead trees, tree limbs or items which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.
- (5) *Structures.*
 - a. *Unfit structure.* In any area the existence of any structure or part of any structure that because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended is illegal.
 - b. *Vacant structure.* In any area zoned for residential purposes, the existence of any vacant dwelling, garage, or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals is illegal.
- (6) *Graffiti.* No owner agent or occupant of any premises shall allow or leave on the premises any graffiti, which shall mean any writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings which are scratched, scrawled, painted, drawn, or otherwise placed on any surface of objects such as buildings, walls, fences, sidewalks, curbs, trees, rocks, or other permanent structures or objects on public or private property or the interior surfaces of those parts of a building accessible to the general public and which have the effect of defacing the property. An owner agent may request the city to remove the graffiti by providing a waiver to the city to allow for the removal of graffiti on the owner agent's property. The owner agent will be billed for the cost.

(Code 1993, § 8-1.01; Ord. No. 0-98-07, 12-7-1998)

Sec. 22-20. Notification; deadline for removal.

The owner and the occupant of any property upon which any of the causes of blight or blighting factors set forth in section 22-19 is found to exist, shall be notified in writing by the

clerk to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice. The notice may be served personally, or by mailing by certified mail, return receipt requested to the last known address of the owner and if the premises are occupied, to the premises. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

(Code 1993, § 8-1.02(A))

Sec. 22-21. Abatement.

- (a) In case of failure to remove any blight as defined in section 22-19 after notification and within the time prescribed, the administrator or clerk may order city employees or a contracted party to abate the blighted condition. The responsible person shall be billed for the costs. If the bill is unpaid, the cost shall be certified to the county auditor as a special assessment against the property for collection in the same manner as other special assessments.
- (b) In case of failure to remove any blight as defined in section 22-19(5)a and 22-19(5)b, after notification and within the time prescribed, the council may direct the administrator or clerk to proceed as defined in Minn. Stats. §§ 463.15--463.261 regarding the repair and/or removal of hazardous and substandard buildings on property.

(Code 1993, § 8-1.02(B); Ord. No. 0-98-07, 12-7-1998)

Secs. 22-22--22-45. Reserved.

ARTICLE III. PUBLIC NUISANCES*

***State law references:** Authority to define and abate nuisances, Minn. Stats. § 412.221, subd. 23; public nuisances prohibited, Minn. Stats. § 609.74 et seq.

Sec. 22-46. Purpose.

It is the purpose of this section to protect and promote the public health, safety and general welfare of the people of the city. This is in addition to all other statutes and regulations that might be applicable to the city.

(Code 1993, § 8-2.01)

Sec. 22-47. Public place defined; nuisances.

- (a) *Public place defined.* Whenever used in this article, "public place" shall include streets, alleys and sidewalks dedicated to public use, and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee, or otherwise, or in or on which the general public is permitted without specific invitation.

- (b) *Creation of a nuisance.* No person shall knowingly cause or create a nuisance in a public or private place, or permit any nuisance to be created or placed upon or to remain upon any premises owned or occupied by such person. A nuisance is any thing, act, occupation or use of property which:
- (1) Annoys, injures or endangers the safety, health, comfort or response of the public;
 - (2) Offends public decency or the decency of any member of the public;
 - (3) Interferes with, obstructs, or tends to obstruct or render dangerous for passage any public place; or
 - (4) Renders the public insecure in life or in use of property.
- (c) *A nuisance upon premises.* No person shall knowingly cause, or create, or permit nuisances upon any premises as follows:
- (1) Snow and ice not removed from public sidewalks 24 hours after a storm has ended;
 - (2) Trees, hedges or other obstructions that prevent persons from having a clear view of approaching traffic;
 - (3) Limbs of trees which are less than eight feet above the surface of any public sidewalk, or 14 feet above the surface of any street;
 - (4) Wires across public streets, alleys, lanes or sidewalks less than 15 feet above the surface of the ground;
 - (5) Buildings, walls, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which endanger the safety of the public;
 - (6) Explosives, bottled gas, inflammable liquids and other dangerous substances stored in any manner deemed dangerous by the fire marshal or fire chief;
 - (7) Obstructions and excavations affecting the ordinary use of public streets, alleys, sidewalks or public grounds except as authorized by the council;
 - (8) Any use of property abutting a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;
 - (9) Hanging signs, awnings and other similar structures over the streets or sidewalks, which endangers public safety;
 - (10) Allowing rainwater, ice or snow to fall from any building or structure upon any street or sidewalk, or wastewater to flow upon or across streets or other public property;
 - (11) Unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;
 - (12) Obstructing free flow of water in a natural waterway or a public street drain, gutter or ditch;

- (13) Motor vehicle not in operating condition parked in public view for more than 48 hours;
 - (14) Sweeping of grass clippings or leaves into the street or alley;
 - (15) Shoveling or plowing of snow into streets and alleys;
 - (16) Service and repair of vehicles in the street except for the changing of tires;
 - (17) Service and repair of vehicles in driveways except for the changing of tires;
 - (18) Noxious weeds and other rank growths of vegetation; or
 - (19) Any other conditions or things that are liable to cause injury to persons or property.
- (d) *Emissions and odors.* No person shall cause or allow the emission of any foreign materials such as dust, gases, fumes, vapors, smoke and odors in quantities that, by reason of their objectionable properties, shall be considered a nuisance because they do one or more of the following:
- (1) Injure, or are sufficient to injure, the health or safety of the public.
 - (2) Create an obnoxious odor in the atmosphere.
 - (3) Cause damage to property or inconvenience to the general public.
 - (4) Create a nuisance or hazard by obscuring vision.
 - (5) Have a deleterious effect upon trees, plants or other forms of vegetation.
- (e) *Unnecessary noise.* No person, in any public or private place, shall make, or assist in making, by any manner or means, any loud, unpleasant or raucous noise disturbing to others, unless the same is reasonably necessary to the preservation of life, health, safety or property.
- (f) *Disruptive parties.*
- (1) *Participation.* No person shall congregate because of participation in any party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of any other person.
 - (2) *Remaining to abate disturbance.* No person shall visit or remain within any place wherein such a party or gathering is taking place except persons who are there for the sole purpose of abating the disturbance.

(Code 1993, § 8-2.02)

Sec. 22-48. Abatement.

In case of failure to remove snow and ice from sidewalks as provided in subsection 22-47(c)(1) after notification and within the time prescribed, the administrator or clerk may order city employees or a contracted party to abate the nuisance. The responsible person shall be billed for the costs. If the bill is unpaid, the cost shall be certified to the county auditor as a special assessment against the property for collection in accordance with Minn. Stats. § 429.101.

(Ord. No. 10-05, § 1, 9-8-2010)

Sec. 113-373. Landscaping.

- (a) Landscaping on a lot shall consist of a finish grade and a soil retention cover such as sod, seed and mulch, plantings, or as may be required by the zoning administrator to protect the soil and aesthetic values on the lot and adjacent property.
- (b) In all districts, all developed uses shall provide landscaping from the urban curb and gutter to the road right-of-way lines. This landscaped yard shall be kept clear of all structures, exterior storage, and off-street parking.
- (c) Landscaping shall be provided and maintained on all required front and side yards in all developed districts.

(Code 1993, § 9-14.01(6))

Sec. 113-374. Reasonable maintenance and repairs required.

In all districts, all structures, landscaping and fences shall be reasonably maintained and kept in a good state of repair so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property.

(Code 1993, § 9-14.01(7))

Dealing with Vacant Foreclosed Properties

By Alexis Stangl

With the tens of thousands of mortgage foreclosures in Minnesota over the past couple of years, many cities are struggling to deal with vacant foreclosed properties. These vacant buildings present a multitude of issues for cities, ranging from tall grass to unsafe buildings.

Three tools are available to cities to alleviate problems associated with these properties. The city should start dealing with problems related to vacant foreclosed properties as they arise because these tools take time to implement.

Adopt and enforce a nuisance ordinance. Minnesota law defines nuisances as “anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.” Cities may adopt an ordinance that defines particular nuisances, provides for nuisance abatement, and establishes penalties for violations. Nuisance ordinances may be effective in dealing with issues like tall grass, accumulated garbage, and icy sidewalks.

A nuisance ordinance should spell out the process the city should follow to fix a nuisance problem. Typically, the process starts by the city notifying the property owner of a violation of the nuisance ordinance, and giving him or her a specified amount of time to fix the problem. If the owner does not do so, the city council may notify the owner again and allow him or her to speak to the council. Then if the council determines there is still a nuisance, it can notify the owner that if it is not fixed within a specified time period, the city may take action to fix the nuisance. If the ordinance allows, the city may assess the cost of fixing the nuisance against the property.

Prevent water pipes from freezing and bursting. Last winter many cities discovered water pipes freezing and bursting in vacant homes with no heat source. Often, cities were not aware that these houses had no power. Bursting water pipes may cause a great deal of water loss as well as significant property damage. A new state law designed to address this situation, *Minnesota Statutes*, section 216B.0976, requires a company that disconnects a residential customer’s gas or electric service to notify the city. The notices include the address of the property and the date of disconnection. Notices are available between Oct. 15 and April 15 each year. The city must make a written request to receive shut-off notifications.

This notification alone is not enough for the city to disconnect the water to the residential property. The city must have a disconnection ordinance in place and follow the provisions of that ordinance. If the city does not have a disconnection ordinance, it may choose to adopt one. The League of Minnesota Cities’ (LMC) information memo, *Securing Payments of Utility Charges*, discusses this issue in more detail. To access this memo, visit www.lmc.org/page/1/resource-library.jsp, type the name of the memo in the Keyword field, and check the box next to “Information Memos—Governing and Managing.”

Use the statutory hazardous building process. *Minnesota Statutes*, chapter 463 provides a process for cities to use in dealing with hazardous buildings. A hazardous building is “any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.” To briefly summarize this process, the

city may order a property owner to fix or remove the hazardous condition. If the owner does not do so, the city may do the work and assess the costs against the property. The statutes include many requirements that must be followed in using this process, including how to notify the owner. Further, the process utilizes the court system, so the city should work with its city attorney.

If the city is dealing with a vacant building that is hazardous because it is open to trespass and is not secured, the city may order the owner to secure the building. Securing a building means taking such measures as installing locks, exterior lights, fences, or security systems, or repairing or boarding up windows and doors. If the owner does not secure the building or provide a reasonable plan and schedule to do so, the city may do the work and assess the cost against the property.

Work with the city attorney. It is important and sometime necessary to work with the city attorney when implementing and using the tools discussed here. The attorney will be able to provide specific legal advice on whether a particular ordinance is appropriate. Also, if the city does not have permission from the property owner to go onto the property, the city attorney can assist the city in securing a warrant that allows the city to enter the property and do work.

More information. Additional information and sample ordinances are available by contacting the LMC Research Department at (651) 281-1200 or (800) 925-1122. ■

Alexis Stangl is a staff attorney with the League of Minnesota Cities. Phone: (651) 281-1227. E-mail: astangl@lmc.org.

LEAGUE OF MINNESOTA CITIES SAMPLE ORDINANCE REGARDING SECURING OF VACANT BUILDINGS

Before adopting these ordinances, a city should be familiar with the contents of the LMC information memo, *Dangerous Buildings*, LMC 75B.2 (December 2010).

This sample ordinance contains a number of provisions a city may adopt. A city wishing to adopt this ordinance should review them with the city attorney to determine which provisions are suited to the city's circumstances. A city can modify this ordinance by eliminating provisions that concern activities it does not seek to regulate. These sample ordinances are drafted in the form prescribed by Minn. Stat. § 412.191, subd. 4 for statutory cities. Home rule charters often contain provisions concerning how the city may enact ordinances. Home rule charter cities should consult their charter and city attorney to ensure that the city complies with all charter requirements.

Before adopting any ordinance regarding the securing of vacant buildings, the city attorney should review the ordinance to ensure it includes all necessary provisions and complies with current laws. This sample ordinance is intended as a guideline and may be modified to meet the needs of your city.

SAMPLE ORDINANCE REGARDING SECURING OF VACANT BUILDINGS

Before adopting any ordinance regarding the securing of vacant buildings, the city attorney should review the ordinance to ensure it includes all necessary provisions and complies with current laws. This model ordinance is intended as a guideline and may be modified to meet the needs of your city.

CITY OF _____
ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR SECURING VACANT BUILDINGS

THE CITY COUNCIL OF _____ ORDAINS:

SECTION 1. DEFINITIONS

For the purposes of this ordinance, the following terms shall have the following meanings:

City. The City of _____, County of _____, State of Minnesota.

Neighborhood association. An organization recognized by the city as representing a neighborhood within the city.

Secure. Includes, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system consistent with Minn. Stat. § 463.251.

Unoccupied building. A building which is not being used for a legal occupancy.

Unsecured building. A building or a portion of a building that is open to entry by unauthorized persons without the use of tools.

Vacant building. A building or a portion of a building that meets one or more of the following conditions:

- (1) Unoccupied and foreclosed upon as identified by the county.
- (2) Unoccupied and windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired.
- (3) Unoccupied and doors to the premises are smashed through, broken off, unhinged, or continuously unlocked.
- (4) Unoccupied and gas, electric, or water service to the premises has been terminated.
- (5) Unoccupied and rubbish, trash, or debris has accumulated on the mortgaged premises.
- (6) Unoccupied and the police or sheriff's office has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises.

- (7) Unoccupied and the premises are deteriorating and are either below or are in imminent danger of falling below minimum community standards for public safety and sanitation.

SECTION 2. SECURING VACANT BUILDINGS

In general, if any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured, and the building could be made safe by securing the building, the city council may order the building secured and shall cause notice of the order to be served consistent with Minn. Stat. § 463.251, subd. 2. The notice must be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for the parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice. The notice is served by delivery or mail. The notice must be in writing and must include, at a minimum, a statement that:

- (1) Informs the owner and the holder of any mortgage or sheriff's certificate of the requirements found in subdivision Minn. Stat. § 463.251, subd. 3 that the owner or holder of the certificate has six (6) days to comply with the order or provide the council with a reasonable plan and schedule to comply with the order and that costs may be assessed against the property if the person does not secure the building.
- (2) Informs the owner and the holder of any mortgage or sheriff's certificate that, within six (6) days of the ordering being served, the person may request a hearing before the governing body challenging the governing body's determination that the property is vacant or unoccupied and hazardous.
- (3) Notifies the holder of any sheriff's certificate of the holder's duty under Minn. Stat. § 582.031, subd. 1, paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in Minn. Stat. § 582.032, subd. 7.

Service by mail is completed upon mailing a copy of the order to the owner by first class mail at the last known address.

SECTION 3. RESPONDING TO THE NOTICE

The owner of the building or the holder of the sheriff's certificate of sale has six (6) days after the order is served to do one of the following: 1) comply with the order; 2) provide the council with a reasonable plan and schedule to comply with the order; or 3) request a hearing before the city council to challenge the council's determination that the property is vacant or unoccupied and hazardous. If the owner or holder of the sheriff's certificate fails to take one of these actions within the allotted time, the city council must have the building properly secured.

SECTION 4. EMERGENCY SECURING OF VACANT BUILDINGS

Pursuant to Minn. Stat. § 463.251, subd. 4, when the city building official, police chief, or fire chief determines that an emergency exists with respect to the health or safety of persons in the community and immediate boarding and securing of a building is required, and where immediate danger will exist to children, transients, or others members of the community without the immediate boarding or securing of the building, the building official, police chief, or fire chief

may waive all notice requirements herein and immediately board or otherwise secure the building, provided that:

(1) The conditions showing the existence of an emergency are documented in writing by the building official, police chief, fire chief, or their designees.

(2) Notice is mailed immediately by the department invoking this Section to the owner of record of the premises, the taxpayer identified in the property tax records for the parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice.

SECTION 5. COLLECTION OF COSTS

All costs incurred by the city for securing a vacant building under this ordinance may be charged against the real property as a special assessment pursuant to Minn. Stat. §§ 463.251, 463.21, and 463.151.

SECTION 6. NEIGHBORHOOD ASSOCIATIONS

The city council may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion.¹

SECTION 7. REPEAL

Ordinance Number (number of ordinance), (title of ordinance), adopted on _____, _____ is repealed.²

SECTION 8. SEVERABILITY

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 9. EFFECTIVE DATE

This ordinance becomes effective upon passage and publication.

Passed by the City Council of _____ on _____, 20 ____.

Approved:

Mayor

Attested:

City Clerk

¹ This section only applies to cities in the metropolitan area, as defined in Minn. Stat. § 473.121, subd. 2. If the city is not in the metropolitan area, delete this section and the definition of "neighborhood association" from Section 1.

² This section is only necessary if a prior ordinance on this topic needs to be repealed. If there is no prior ordinance, please delete this section.

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
MINNESOTA						
Albertville, MN	Adopted	<p>Registration Fee: Annual fee of \$100, first of which is paid no later than 10 days after building becomes vacant.</p> <p>Period Valid: Subsequent fees paid on anniversary of initial registration.</p>	<p>Vacant building: building (or portion of) that is unoccupied and unsecured for 5 days or more; unoccupied and secured by other than normal means for 15 days or more; unoccupied and in any phase of an active foreclosure proceeding; unoccupied and a dangerous structure; unoccupied and posted for no occupancy or unfit for human habitation; unoccupied and has a City code violation existing for 5 days or more; or condemned and illegally occupied.</p>	<ul style="list-style-type: none"> • Owner shall register building no later than 7 days after it becomes vacant. • City may register as vacant when it takes ordinance enforcement action or action to abate an ordinance violation against the unoccupied building. • Notify city of changes in registration information within 7 days. • Must allow city access for Inspections. City will provide owner 5 days notice for any request, except where hazardous conditions exist. 	<ul style="list-style-type: none"> • Building kept secured and safe and grounds maintained. • Utilities disconnected when required by City Building Official. 	<ul style="list-style-type: none"> • If City registered unoccupied property, they may assess such special costs against the property. • City may take actions to maintain vacant building, and inspect the building. All costs incurred will be reimbursed to City from building owner. • If owner fails to reimburse city within 30 days of mailing bill, or fails to pay registration fee, City may certify unpaid charges to County Auditor for collection with next years property taxes after 10 days mailed notice to property owner. • Administrative fine of \$100 each month the building is unregistered.

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
Anoka, MN	Adopted	<p>Registration Fees:</p> <ul style="list-style-type: none"> • \$100.00 for single family dwellings with no outstanding code violations. • \$150.00 for single family dwellings with outstanding code violations. • \$200.00 for all multi-family dwellings with no outstanding code violations. • \$250.00 for all multi-family dwellings with outstanding code violations. 	<p>Owner: individuals and/or entities initiating the legal process to recover foreclosed property; those show to be the mortgage holder or their legal representatives; person, partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in the property or building.</p> <p>Responsible party: owner, service provider, mortgagor, leasing agent, mgmt. company or similar person or entity who has direct or indirect control or authority over the building or real property upon which the building is located.</p> <p>Vacant building: building which no person or persons actually and currently conduct a lawful business or lawfully resides or lives in any part of the building on a permanent, non-transient basis.</p>	<ul style="list-style-type: none"> • Must be submitted within 30 days of foreclosure sale, or the property becomes vacant, whichever is first. • Owner must inform city if the property is sold or transferred to another part • If not sold, but transferred to a different party, party must re-register property within 15 business days. 	<ul style="list-style-type: none"> • Secured from outside entry by unauthorized persons or pests b normal building amenities; Exterior walls and roofs intact without holes. • Temporary securing, such as untreated plywood may only be used to secure openings for a max. of 14 days. • Fire protection systems, appliances, and assemblies in operating condition maintained. • Hazardous material that could constitute a fire hazard removed. • Plumbing systems in sound condition and good repair or removed and the service terminated; Utility services terminated or disconnected. • Grass and weeds no higher than 6". • Abandoned and junk vehicles removed; Graffiti removed. • Swimming pools secured and maintained in good operating condition, or properly drained and emptied. 	<ul style="list-style-type: none"> • Failure to re-register property within 15 business days by new responsible party will result in a \$50 administrative fee on top of the annual fee.

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
Brooklyn Center, MN	Adopted	<p>Registration Fees:</p> <ul style="list-style-type: none"> • \$100- Property Vacant for less than 1 year with no code violation. • \$400- Vacant for less than 1 year with 1 or more code violations. • \$1,000- Vacant for 1-3 years. • \$3,000- Vacant for 3 years or more. <p>Property Maintenance Verification Inspection Fee:</p> <p>Single Family Home- \$195; Apartment/Condo- \$115; Townhome- \$195; Duplex- \$275</p>	<p>Owner: Person, partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in the property or building.</p> <p>Vacant building: No person or persons actually and currently conducts a lawful business or lawfully resides or lives in any part of the building on a permanent, nontransient basis in accordance with the City's zoning regulations.</p>	<ul style="list-style-type: none"> • Must register a vacant building with the City no later than 30 days after the building becomes vacant. • Compliance official may inspect any vacant building in the City for the purpose of enforcing and assuring compliance. • Upon the request of the compliance official, an owner or responsible party must provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. 	<ul style="list-style-type: none"> • Vacant buildings must be so maintained and kept that they appear to be occupied; • Secured from outside entry by unauthorized persons or pests; • Doors and windows locked with at least one operable door into every building and into each housing unit; • Removal of all graffiti, junk or abandoned vehicles and dead or diseased trees and plants; • Swimming pools maintained in good operating condition or properly drained and emptied; • Removal of all garbage, refuse, rubbish, swill, filth, or other materials. • Alarm systems in operating condition and properly maintained. 	<ul style="list-style-type: none"> • Failure to comply may result in a fine not to exceed \$1,000, or imprisonment not to exceed 90 days or both, together with the costs of prosecution. • Each day of such failure to comply shall constitute a separate punishable offense.

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
Burnsville, MN	Adopted	<p>Registration Fee: \$200; Non-prorated but shall run by quarter for each subsequent year registered.</p> <p>Period Valid: 12 months. Annual renewals due by the end of the quarter of the original registration date.</p> <p>Renewal Fee: \$100</p>	<p>Owner: Persons shown to be the owner(s) on County Records or on a vacant building registration form, holder of an unrecorded contract for deed, mortgagee or vendee in possession, mortgagor or vendor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the freehold of the premises or lesser state therein.</p> <p>Vacant Building: Building (or portion of) that is: unoccupied and unsecured; unoccupied and secured by other than normal means; unoccupied and a dangerous structure; unoccupied and condemned; unoccupied and has property maintenance/building code violations; condemned and illegally occupied; unoccupied and in the process of foreclosure; or unoccupied and foreclosed upon as identified by the county.</p>	<ul style="list-style-type: none"> • Owner shall register building and with enforcement officer and pay required fee no later than 30 days after building becomes vacant. • Changes in registration information shall be reported within 30 days of change. • Clearly post inside the building a disclosure informing potential buyers of code violations, assessments, or delinquent utility charges against the property. • Code enforcement officer shall inspect premises, upon request owner shall provide access to interior portions of building. • Building may not be occupied without inspection and approval by the city. 	<ul style="list-style-type: none"> • Building kept secured and safe and grounds properly maintained. • Automatic fire sprinkler systems maintained and operational at all times. • Commercial, industrial, or multi-family buildings shall maintain required apparatus access roads. 	<ul style="list-style-type: none"> • Failure to maintain building and premises shall be subject to penalties including abatement. • Delinquent fees shall be paid by owner prior to transfer of ownership interest, if fees are not paid prior, new owner shall pay annual fee within 30 days

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
Columbia Heights, MN	Adopted	Inspection Fee: \$250 per unit.	Abandoned property: discontinued use or activity of a property for any reason, but excluding temporary interruptions during periods of building or remodeling where a valid building permit has been issued or during periods of routine seasonal closure.	<ul style="list-style-type: none"> • Building Code Inspection must take place prior to new Certificate of Occupancy being issued. 	<ul style="list-style-type: none"> • City shall declare property abandoned if property is vacant and there is evidence of: reoccurring City abatement processes; building has been declared uninhabitable; vandalized structures; lack of exterior maintenance; repeated calls for service; structural damage; utility service shut off pursuant to delinquent payments; property abandoned. 	<ul style="list-style-type: none"> • If property is declared abandoned, Certificate of Occupancy will be revoked.
Crystal, MN	Adopted	Registration Fee: Annual Fee of \$500; \$35 Administrative Fee (if applicable) Period Valid: one year	Owner: Owner of record on County tax records, identified as owner (s) on vacant building registration form, holder of unrecorded contract for deed, mortgagee/vendee in possession, mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein; Any person, partnership, association, corporation or fiduciary having legal or equitable title or any interest in the property. Includes any partner, officer or director of any partnership, corporation, association or other business entity.	<ul style="list-style-type: none"> • Owner must register property vacant more than 30 days. • Extended vacationers, snowbirds, fire damaged property that is repaired or demolished within 90 days, and multi-tenant buildings with one or more occupants are exempt. • If building changes ownership during term of registration, new owner must re-register building within 30 days of change. • Must submit a property plan within 30 days of registration. • Prior to occupancy or re-occupancy owner must schedule mandatory city inspections and be granted a rental license or code compliance certificate. 	<ul style="list-style-type: none"> • Maintained in good condition and kept so it appears to be occupied • Secured from outside entry by unauthorized persons or pests; Ensured by normal building amenities. • Compliance official may authorized immediate abatement of public nuisance or correction of any maintenance items if conditions present imminent threat. 	<ul style="list-style-type: none"> • If owner fails to register, building will be administratively registered and applicable fees (\$500 reg. fee and \$35 administrative charge) will be applied. • If fees and charges remain unpaid, costs will be assessment against the property.

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
Duluth, MN	Adopted	<p>Registration Fees: Annual fee of \$400, paid no later than 30 days after building becomes vacant. -Administrative Fee of \$75</p> <p>Period valid: subsequent annual fees due anniversary date of initial vacancy.</p> <ul style="list-style-type: none"> • Upon transfer of ownership, new owner responsible for unpaid and subsequent annual fees. 	<p>Vacant building: building that is condemned; unoccupied and unsecured for 30 days or more; unoccupied and secured by means other than those normally used for 30 days or more; unoccupied and has multiple housing maintenance, fire or building code violations for 30 days or more.</p>	<ul style="list-style-type: none"> • Owner of a residential building shall register the building with the building official within 30 days after it becomes vacant. • Registration must include vacant building plan and timetable for occupancy or demolition. • Must notify building official of any changes of information within 30 days. • New owner shall register building within 30 days of transfer of ownership and comply with approved plan of previous owner until proposed changes approved. • Owner shall provide access to interior portions of building to permit complete inspection to enforce compliance. 	<ul style="list-style-type: none"> • Building kept secured and safe and grounds properly maintained. 	<ul style="list-style-type: none"> • Failure to maintain building that result in abatement shall be grounds for revocation of approved plan and subject to applicable penalties. • Unpaid fees shall be levied and collected as special assessment against property with interest rate of 8% per annum on the unpaid balance.

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
Hopkins, MN	Adopted	<p>Registration Fees:</p> <ul style="list-style-type: none"> • Single Property/Distant Properties: \$500 the first calendar year vacant; \$1000 subsequent calendar year vacant • Adjacent/Nearby Properties: \$1000 the first calendar year; \$2500 each subsequent year <p>Period Valid:</p> <ul style="list-style-type: none"> • First fee paid at time of registration, and prorated for initial year of registration based on days in calendar year after required to be registered • Subsequent Annual fee's paid on or before Jan.1 of each subsequent year 	<p>Vacant Property: (1) a lot containing a building with 1 to 4 dwelling units, which is unoccupied for 90 or more consecutive days as a dwelling or which is illegally occupied; (2) an unimproved lot located within 500 feet of a lot with vacant dwelling units, where both lots are owned by the same Owner. Owner: individual, entity, or affiliated entities</p>	<ul style="list-style-type: none"> • Owner shall execute an authorization appointing the Police department an agent of the owner. • Subsequent owners shall register or re-register property with Enforcement Office within 30 days of transfer of ownership • New Owner must pay annual fee no later than 30 days after transfer of ownership <p>Inspections: enforcement officer may inspect to ensure compliance; upon request Owner shall provide access to all interior portions of property.</p>	<ul style="list-style-type: none"> • Property secured and safe and the buildings and grounds properly maintained • Install excess flow automatic gas shut-off valve on gas piping immediately downstream of gas meter outlet within 60 days of acquisition 	<ul style="list-style-type: none"> • Failure to register within 30 days of notice, Owner liable for registration fee of 3 times the amount otherwise due. • Violation is a misdemeanor • Fees shall be a debt owed to the city, and if unpaid, shall be collected by special assessment

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
Minneapolis, MN	Adopted	<p>Registration Fee: Annual fee of \$6550 to recover costs incurred by city to monitor and regulate vacant buildings; fee adjusted annually (see director fee schedule).</p> <p>Period Valid: 1st fee paid no later than 5 days after becoming vacant; subsequent annual fees due anniversary date of initial vacancy;</p>	<p>Vacant: Building that is condemned, unoccupied and unsecured for 5 days or more, Unoccupied and secured by means other than those normally used in the design of the building for 30 days or more, unoccupied and has multiple housing maintenance, fire or building code violations existing for 30 days or more, unoccupied for over a year during which an order has been issued to correct a nuisance condition; vacant commercial or residential building or structure, which is unable to receive a certificate of occupancy due to expired permits, or demonstrated work stoppage of 180 days or more as determined by the building official.</p>	<ul style="list-style-type: none"> • Building registered within 5 days after becoming vacant building. • Written plan and timetable to prevent nuisance conditions and maintain compliance submitted at time of registration, or reasonable time thereafter. • Notify registration information changes within 30 days. • Upon transfer of ownership, new owner responsible for all unpaid and subsequent annual fees. • Provide access to interior portions of unoccupied building to permit complete inspection to enforce and ensure compliance. 	<ul style="list-style-type: none"> • Building kept secured and safe. • Building and grounds properly maintained until rehabilitation or demolition completed. • Owner of residential, or commercial building or structure designated as vacant may appeal designation within 21 days after receipt of designation, or billing statement. 	<ul style="list-style-type: none"> • Failure to maintain building and premises that result in abatement by city shall be grounds for revocation of approved plan and subject to any applicable penalties. • Unpaid fees levied and collected as special assessment against property with interest rate of 8% per annum on unpaid balance thereof;

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
Moorhead, MN	Adopted	<p>Registration Fee: Annual fee of \$400, paid no later than 5 days after building becomes vacant.</p> <p>Period valid: subsequent fees due anniversary date of initial vacancy.</p>	<p>Owner: Person listed as the contact person on the current rental licensing application on file with the city, as the owner by the city assessor on the homestead record; or as the taxpayer as shown by the records of the city assessor.</p> <p>Vacant building: building that is condemned; Unoccupied and unsecured for 5 days or more; Unoccupied and secured by means other than those normally used in the design of the building for 30 days or more; Unoccupied and has multiple building standards, fire or building code violations existing for 30 days or more; Unoccupied for a period of time over 365 days, during which time an order has been issued to correct a nuisance condition.</p>	<ul style="list-style-type: none"> • Owner of a vacant building shall register building with code official within 5 days after it becomes vacant. • Must submit vacant building plan and timetable. • Owner shall notify code official of any changes in information within 30 days. • New owner shall register or re-register building with code official within 30 days of transfer of ownership. New owner shall comply with previous owners approved plan and timetable until proposed changes approved. • Owner must provide access to interior portions of unoccupied building for inspections. 	<ul style="list-style-type: none"> • Owner shall keep building secured and safe and grounds properly maintained until rehabilitation or demolition has been completed. • If building is open to trespass and has not been secured code official may order building to be secured and shall cause notice of order to be served upon owner. If owner fails to comply within 6 days, code official will cause building to be boarded up or otherwise properly secured. 	<ul style="list-style-type: none"> • Failure to maintain the premises will result in abatement and shall be grounds for revocation of the approved plan and subject to penalties. • Administrative fee of \$75 and other costs incurred by the city for boarding or otherwise securing the building shall be charged as a special assessment against the real estate. • Unpaid fees shall be lien against the real estate. • In addition to being possible criminal violation, violation is administrative offense subject to administrative citation and civil penalties. Each day violation exists constitutes a separate offense.

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
Princeton, MN	Adopted	<p>Registration Fee: Annual fee of \$25 , paid no later than 30 days after building becomes vacant.</p> <p>Period valid: Subsequent fees due on anniversary date of initial vacancy.</p>	<p>Owner of Record: fee owner, contract for deed vendee, mortgagee in foreclosure, holder of a sheriff's certificate, and taxpayer as shown on City or county records, or the authorized agent of any of the preceding persons.</p> <p>Vacant building: building (or portion of) that is unoccupied and meets one or more of the following: Records of the City or County Recorder show the property is in lien foreclosure; Windows or entrances to the property are boarded up or closed off, or multiple doors or window are broken and unrepaired; Doors to the property are damaged, or continuously unlocked; Property is without gas, electric, or water service; Rubbish or debris has accumulated on the property; Law enforcement agencies have received at least two reports of trespass, vandalism or other illegal acts being committed on the property within 12 months; Vegetation on yards are not being maintained to neighborhood standard.</p>	<ul style="list-style-type: none"> • Owner shall register vacant structure with City Development Director no later than 30 days after the building becomes vacant. • Must notify Development Director of any changes in information within 30 days. • New owner shall re-register building within 30 days. Must comply with approved plan and timetable unless proposed changes are submitted and approved. • Shall provide access to all portions of building for inspection by City employees. 	<ul style="list-style-type: none"> • Building kept secured and grounds maintained. 	<ul style="list-style-type: none"> • Failure to maintain building and grounds such that abatement is required, shall be grounds for revocation of vacant building registration plan and owner shall be subject to penalties.

Vacant & Abandoned Properties: Municipal Ordinances

CITY	STATUS	REGISTRATION FEES/ PERIOD VALID	SPECIFIC DEFINITIONS	OWNER RESPONSIBILITY/ INSPECTIONS	PROPERTY MAINTENANCE/ UPKEEP NOTICE REQUIREMENTS	NON-COMPLIANCE/ PENALTIES/ FINES
St. Paul, MN	Adopted	Registration Fee: Annual registration fee of \$1,000 each year the building remains a vacant building. • 1st annual fee paid no later than 30 days after the building becomes vacant.	Vacant Buildings: • Category I: Unoccupied and secured. • Category II: Unoccupied and condemned or has multiple housing or building code violations or illegally occupied. • Category III: Unoccupied and a dangerous structure. Responsible Party: any agent; assignee or collector of rents; holder of a contract for deed; a mortgagee or vendee in possession; receiver or executor or trustee; lessee; those known to the enforcement officer as having an ownership interest; or other person, firm or corporation exercising apparent control over a property.	• If the information contained in the affidavit is no longer valid, the owner shall have 10 days to file a new affidavit.	• Broken windows must be repaired or replaced within fourteen days. • If a building is damaged by fire, the owner has 90 days from the date of the fire to apply for a permit to start construction or demolition.	If the fee is not paid within 30 days of being due, the owner subject to prosecution.
MISSOURI						
Belton, MO	Adopted	No fee • Registration is valid as long as the subject property remains vacant and shall be amended as needed.	N/A	• If property is found to be vacant, the owner must register the property with the city within 10 days of the inspection.	• Maintained so as to be in compliance with City code. • Maintained in a secure manner so as not to be accessible to unauthorized persons.	• Violation may involve a fine of \$500 dollars per offense.

ORDINANCE NO. 2007-060

Adopted by the Sacramento City Council

July 24, 2007

AN ORDINANCE REPEALING ARTICLES XV AND XVI OF CHAPTER 8.100 OF THE SACRAMENTO CITY CODE AND REENACTING ARTICLE XV RELATING TO VACANT BUILDINGS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Articles XV and XVI of Chapter 8.100 (Sections 8.100.1170 through 8.100.1380) of the Sacramento City Code are repealed.

SECTION 2. Article XV of Chapter 8.100 of the Sacramento City Code is reenacted to read as follows:

Article XV Maintenance of Vacant Buildings.

8.100.1200 Findings—Vacant buildings.

The city council finds as follows:

A. When the owner of a vacant building fails to actively maintain and manage the building, the building can become a major cause of blight in both residential and nonresidential neighborhoods. Vacant buildings that are boarded, substandard or unkempt properties, and long-term vacancies discourage economic development and retard appreciation of property values.

B. It is a responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare.

C. One vacant property that is not actively and well maintained and managed can be the core and cause of spreading blight.

D. Owners of multiple buildings, either concurrently or serially, that are vacant and a blight to the community are a significant problem in the city. Owners of multiple buildings who fail to correct deficiencies and blighted conditions contribute to the decline of neighborhoods to a greater extent than owners who own only one building. Some owners have acquired multiple vacant and blighted buildings at depressed prices and have not improved or cared for the properties. It is in the interest of the welfare of neighborhoods that owners of multiple properties who fail to maintain properties and correct vacant and blighted buildings be subject to imposition of higher administrative penalties in order to encourage these owners to correct violations of this article in a prompt manner.

8.100.1210 Vacant building defined.

For the purposes of this article, the term “vacant building” means a building that is unoccupied, or occupied by unauthorized persons for any amount of time.

8.100.1220 Required boarding of vacant buildings

A. For the purposes of this article, “boarded” shall mean the covering of all entry points, including all doors and windows, with plywood or other materials for the purpose of preventing entry into the building by persons or animals.

B. Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows.

C. Vacant buildings that are immediately dangerous as defined in section 8.96.120 of this code and are open and accessible to the general public may be summarily boarded by the city, pursuant to section 8.96.390 of this code.

D. Any building that is boarded, whether by voluntary action of the owner, or as a result of enforcement activity by the city, shall be boarded in compliance with city standards promulgated by the City Manager, and approved by resolution of City Council.

8.100.1230 Vacant building penalty.

No owner shall allow a building designed for human use or occupancy to be a vacant building for more than thirty (30) days, unless one of the following applies:

1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building meets all codes, does not contribute to blight, is ready for occupancy, and is:

- a. actively being offered for sale, lease, or rent, or
- b. is actively being maintained and monitored by the owner, as defined in section 8.100.1240

8.100.1240 Maintenance and Monitoring of Vacant Buildings

Active maintenance and monitoring shall include all of the following:

- a. Maintenance of landscaping and plant materials in good condition.
- b. Maintenance of the exterior of the building, including but not limited to paint and finishes, in good condition.
- c. Regular removal of all exterior trash, debris and graffiti.
- d. Maintenance of the building in continuing compliance with all applicable codes and regulations.
- e. Prevention of criminal activity on the premises, including but not limited to use and sale of controlled substances, prostitution and criminal street gang activity.

f. The posting of a notice in a conspicuous place on the front of the building stating the name, address, and telephone number of both the owner and, if applicable, the owner's agent in control of the building. This notice shall have lettering not less than two (2) inches high, and shall be generally readable from at least thirty (30) feet away.

8.100.1250 Administrative penalty.

Notwithstanding the provisions of section 1.28.010(C)(3) of this code, any owner of a building that is in violation of section 8.100.1230 shall be subject to an administrative penalty, in an amount not to exceed one thousand dollars (\$1,000.00) per building for the first violation.

A second administrative penalty shall be imposed upon an owner pursuant to this article if the owner's building remains in violation of section 8.100.1230 thirty (30) days following the imposition of the first administrative penalty. Additional penalties may be imposed in each thirty (30) day period following the imposition of an administrative penalty under this article. Additional penalties may be imposed so long as the violations continue. A second and any subsequent penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00).

If a previous administrative penalty has been imposed pursuant to this article upon an owner within two years of the date of the imposition of the present administrative penalty, and that previous administrative penalty related to a vacant building other than the building presently the subject of an administrative penalty, any penalty imposed shall be imposed pursuant to section 1.28.010(D) of this code, but in no case shall it be less than two thousand dollars (\$2,000.00), nor more than ten thousand dollars (\$10,000.00).

8.100.1260 Monitoring Fee for Vacant Nuisance Properties.

Any vacant building that also constitutes a public nuisance as defined in chapters 8.04, 8.08, 8.96, or 8.100 of this code shall be subject to monthly monitoring fees and enforcement response fees, to recover the city's regulatory costs to monitor and respond to the vacant building. The separate monthly monitoring fee and enforcement response fee shall be set by resolution of the City Council. The monitoring fee shall be applicable even in the absence of any action, administrative or otherwise, by the city pursuant to any other provision of the city code. The monitoring fee shall be imposed upon the initial determination that the vacant building constitutes a public nuisance as defined in chapters 8.04, 8.08, 8.96, or 8.100 of this code. The fee shall thereafter be imposed in each thirty (30) day period following the imposition of the initial monitoring fee. On buildings requiring more than one (1) involuntary city enforcement response within any thirty (30) day period, an additional and separate enforcement response fee shall be imposed, for each response, upon the owner. Monitoring fees shall be imposed as long as the vacant building remains a public nuisance as defined in those chapters.

Any monitoring fee imposed pursuant to this section may be appealed and shall be collected in the same manner as is specified in section 1.28.010(D) of this code.


Adopted by the City of Sacramento City Council on July 24, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy,
Tretheway, Waters and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

Passed for Publication July 17, 2007
Published July 20, 2007
Effective August 23, 2007



Vacant Property Guidelines

If a building is vacant for more than 30 days, the owner must:

1. Secure all openings as may be necessary to ensure against any unlawful entry.
2. Register the vacant building as a vacant property with Department of Buildings.
 - a.) a \$250 registration fee is required each time the building is registered
 - b.) each registration lasts only for a period of 6 months
 - c.) maintain and provide proof of "Liability Insurance" coverage in the following amounts:
 - i. \$300,000 minimum liability policy for residential structures
 - ii. \$1,000,000 minimum liability policy for commercial structures
3. Post a sign with the Name, Address, and Telephone number of the current owner (or the agent for the owner) in a conspicuous location on the building.
4. Keep the premises clean. Cut the grass, remove weeds, garbage, debris, dead trees or any fallen limbs. In winter, shovel any accumulated snow to allow public use of the adjacent sidewalk and keep the property free from pests such as rats and other rodents. Bait the property as necessary.
5. Maintain foundation, basements, crawlspaces, exterior walls, exterior windows and doors, roof, gutters, downspouts, scuppers, flashing, chimneys, flues outside stairs, steps, decks, verandas and balconies. Keep exit areas continuously lit from dusk to dawn.
6. Keep the vacant building's interior free from junk, debris, trash, rodents and pests. Keep plumbing free from leaks and winterize the structure. Maintain the foundation, floors, walls, stairs, and ceilings. Exit doors should be secured with an internal deadbolt lock. Maintain interior stairs and risers in a safe, usable condition.
7. Buildings Security Standards:
 - a. Building doors, windows and openings may be secured with plywood for the first six (6) months.
 - b. After 6 months, all plywood must be removed and replaced with commercial- grade steel security panels or, alternatively, replace the plywood with secure doors, glazed windows and an operable 24-hour burglar alarm system.



Vacant Building Registration Application

City of Richfield | 6700 Portland Avenue S | Richfield, MN 55423 | 612-861-9700 | www.cityofrichfield.org

Permit No.	Date Issued:
Date of Application	<input type="checkbox"/> New Application <input type="checkbox"/> Renewal <input type="checkbox"/> "Snowbird"

You must notify the compliance official of any changes in information within fifteen (15) days of any change.

Property Information: *	Street Address:		
	Legal Description:		
	Tax Parcel ID #:		
Owner or Owner's Representative *	Name(s):		
	Address:		
	City:	State:	Zip:
	Phone:	Email:	
Lien Holders or others with Legal Interest *	Name(s):		
	Address:		
	City:	State:	Zip:
	Phone:	Email:	
Local Agent or Management Company	Name(s):		
	Address:		
	City:	State:	Zip:
	Phone:	Email:	
Property became vacant on:	Expected Date of Re-Occupancy or Demolition:	Sheriff Sale Date:	
Building Security		Status of Utilities	
Security system	<input type="checkbox"/> Yes <input type="checkbox"/> No	Water	<input type="checkbox"/> On <input type="checkbox"/> Off
If yes, provide contact info in attached property plan		Water Shut Off Requested	<input type="checkbox"/> Yes <input type="checkbox"/> No
Bldg equipped with fire sprinklers	<input type="checkbox"/> Yes <input type="checkbox"/> No	Water Meter Removed	<input type="checkbox"/> Yes <input type="checkbox"/> No
Doors/windows secured by	<input type="checkbox"/> Lock <input type="checkbox"/> Other	Electric Service Disconnected	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Other, describe:		Natural Gas	<input type="checkbox"/> On <input type="checkbox"/> Off
Property Plan (check all that apply)	<input type="checkbox"/> For Sale	Listing Date	Closing Date
	<input type="checkbox"/> Renovation	Start Date	Permits Needed
	<input type="checkbox"/> For Rent	Start Date	Rental License Applied
	<input type="checkbox"/> Demolish	Will Remove By	
Property Plan consisting of ____ pages is attached to this application. <i>The property plan, and any changes to the plan, must be approved by the compliance official.</i>			
Applicant is	<input type="checkbox"/> Owner <input type="checkbox"/> Realtor	<input type="checkbox"/> Service Co <input type="checkbox"/> Mortgage Co	<input type="checkbox"/> Other
Property Type	<input type="checkbox"/> Single Family/Duplex <input type="checkbox"/> Multi-family	<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial	
<input type="checkbox"/> Other	Property Size:	Lot Size:	

* Attach additional sheets if necessary

DATA PRACTICES INFORMATION: The following information is classified as private or nonpublic data: any data that could be used to identify the location or security status of a registered vacant building is considered to the "security data" under Minnesota Statutes section 13.37. You are required by ordinance to provide this information. The information is used for purposes of ordinance enforcement. If you refuse to provide the information, the City will administratively register the property. The classified information is made available only to the owner, registered agent or other person responsible for the maintenance of the property, and to City staff persons involved in ordinance enforcement. The data may become public if enforcement actions are taken under the ordinance, such as nuisance abatement or criminal citation.

General Information:

Fees will be assessed on an annual basis. Reminder of registration renewal will arrive approximately 45 days prior to the due date. Your permit will arrive by mail at the address listed above after review by the compliance official.

“Snowbirds”, as defined by the ordinance, are exempt from fees but are required to register their vacant building each year.

A property plan must be provided with this application. The plan must: identify known code violations on the property; identify conditions for which repairs or alterations are either required or planned; identify the manner in which code violations, repairs or maintenance will be addressed; provide a timetable for addressing code violations, repairs or maintenance and for either returning the building to occupancy or demolishing the building.

Permit Registration Fee		
Single Family Property	Any other type of property	
Vacant less than 1 year \$100 Vacant 1+ years \$200	Less than 20,000 square feet in building size AND less than 1 acre of lot size	More than 20,000 square feet in building size OR more than 1 acre of lot size
	Vacant less than 1 year \$500 Vacant 1+ years \$1000	Vacant less than 1 year \$1,250 Vacant 1+ years \$2,500
Permit Fee Total		
\$ _____		

Purpose: The vacant building ordinance and registration is a mechanism to protect neighborhoods from health and safety hazards and from blight through the lack of adequate maintenance and security of vacant buildings.

Acknowledgement of Responsibility: It is the joint responsibility of owner and/or applicable responsible Party(ies) to ensure information is complete and accurate. Failure to comply is a misdemeanor. The Richfield Vacant Building Ordinance requires the buyer to meet all city codes and conditions of the approved property plan.

Applicant Name: _____ Signature: _____
(Please Print)

City Use Only		
Permit Sub Type	<input type="checkbox"/> Vacant Building Registration	<input type="checkbox"/> Annual Registration Renewal
	<input type="checkbox"/> “Snowbird” Registration (no fee)	<input type="checkbox"/> Administrative Registration
Property Plan Approved	By _____	Date _____
Amendment Approved	By _____	Date _____
Amendment Approved	By _____	Date _____
Notes:		

Applications must be submitted in person or mailed with payment. Applications will not be accepted via email or by fax.
City of Richfield, City Clerk, 6700 Portland Ave S., Richfield, MN 55423

DATA PRACTICES INFORMATION: The following information is classified as private or nonpublic data: any data that could be used to identify the location or security status of a registered vacant building is considered to the “security data” under Minnesota Statutes section 13.37. You are required by ordinance to provide this information. The information is used for purposes of ordinance enforcement. If you refuse to provide the information, the City will administratively register the property. The classified information is made available only to the owner, registered agent or other person responsible for the maintenance of the property, and to City staff persons involved in ordinance enforcement. The data may become public if enforcement actions are taken under the ordinance, such as nuisance abatement or criminal citation.



4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.ci.crystal.mn.us

Registration # 2011-_____

VACANT BUILDING REGISTRATION

Application Date: _____

Vacant Building Address: _____ PID #: _____

Owner(s):

Attach additional sheets if necessary

Full Name (PRINT): _____
Company Name: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____
Email Address: _____

Lien Holder(s) or Others w/ Legal Interest in Property:

Attach additional sheets if necessary

Full Name (PRINT): _____
Company Name: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____
Email Address: _____

Responsible Party:

Can be a Realtor®, leasing agent, management company, mortgagor or other party with direct or indirect control or authority over the building.

Attach additional sheets if necessary.

Full Name (PRINT): _____
Company Name: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____
Email Address: _____
Relationship to Owner/Lien Holder: _____

Date building became vacant: _____ Property Plan Attached [] or Must be Submitted by: _____ (within 30 days of Application Date)

Acknowledgement of Responsibility: The undersigned owner/agent: 1) avows and acknowledges that the information herein is complete and accurate; 2) assumes responsibility for maintaining and securing the subject building in conformity with Crystal City Code Section 435 and other applicable codes; and 3) acknowledges the responsibility to notify the city in writing within 30 days of any changes to information contained in this registration form.

Owner or Agent: _____ Signature: _____ (Please Print Name)

City Staff Use

- 500 Annual Registration Fee Pd (0100.4276)
35 Administrative Fee Pd, if applicable (0100.4276)
Submitted Property Plan on:
JDE Receipt No.
Registration Issued on:

Property Plan for Vacant Building at: _____

<p>Property Status</p> <p><i>(Check all that apply)</i></p>	<input type="checkbox"/> Property is actively listed for sale Listing Date: _____
	<input type="checkbox"/> Property sale is pending Closing Date: _____
	<input type="checkbox"/> Building is being renovated Completion Date: _____ <input type="checkbox"/> All required permits have been issued; or <input type="checkbox"/> Applications for all required permits will be submitted by: _____
	<p><u>If single-family or two-family residential:</u></p> <input type="checkbox"/> Code Compliance inspection performed on: _____ Compliance Date: _____ <input type="checkbox"/> Seller to make repairs prior to closing; or <input type="checkbox"/> Buyer to assume responsibility for repairs; or <input type="checkbox"/> Not sure at this time which party will assume responsibility for repairs <input type="checkbox"/> Rental inspection completed on: _____ Compliance Date: _____ Date by which property is to be rented and occupied: _____

<p>Property Maintenance</p>	<p>Owner/responsible party attests that the following steps have been or will be taken. <u>For any boxes left unchecked, you must provide a date by which the item will be completed.</u></p> <input type="checkbox"/> The building is secured against unauthorized entry by persons or pests in accordance with standards of City Code Section 435.20 <input type="checkbox"/> All hazardous material or hazardous refuse has been removed <input type="checkbox"/> The building's water system has been protected from freezing <input type="checkbox"/> Building is adequately heated to prevent freezing <input type="checkbox"/> Water service to the building has been shut off at the curb stop <input type="checkbox"/> Non-compliant electrical service lines, wiring or fixtures have been removed/disconnected <input type="checkbox"/> Exterior lighting is being maintained and used to illuminate building and walkways <input type="checkbox"/> Heating facilities have been removed, rendered inoperable, or are maintained per code									
	<input type="checkbox"/> Owner/responsible party affirms that the subject property shall be maintained in compliance with all applicable property maintenance regulations and city codes including, but not limited to the following: <table style="width: 100%; margin-top: 5px;"> <tr> <td>▪ Nuisances</td> <td>▪ Grass and weeds</td> <td>▪ Animals</td> </tr> <tr> <td>▪ Exterior maintenance</td> <td>▪ Motor vehicles</td> <td>▪ Garbage and refuse</td> </tr> <tr> <td>▪ Dead/hazardous trees</td> <td>▪ Graffiti</td> <td>▪ Abandoned pools</td> </tr> </table>	▪ Nuisances	▪ Grass and weeds	▪ Animals	▪ Exterior maintenance	▪ Motor vehicles	▪ Garbage and refuse	▪ Dead/hazardous trees	▪ Graffiti	▪ Abandoned pools
▪ Nuisances	▪ Grass and weeds	▪ Animals								
▪ Exterior maintenance	▪ Motor vehicles	▪ Garbage and refuse								
▪ Dead/hazardous trees	▪ Graffiti	▪ Abandoned pools								

<p>Signatures</p>	<p>Owner/Responsible Party: _____ Date: _____</p>
--------------------------	---

	<p>City Review/Approval by: _____ Date: _____</p>
--	---



VACANT PROPERTY REGISTRATION

ALL INFORMATION ON THIS APPLICATION MUST BE COMPLETED

1) New Registration ___ Registration Renewal ___ Subsequent Owner ___ (PLEASE PRINT)

2) PROPERTY DESCRIPTION

Property Address: _____

Property Identification Number: _____

Property Type: Single Family Dwelling ___ Duplex ___ Unimproved ___ Other ___

Describe Current Property Conditions: _____

3) OWNER INFORMATION

Name: _____ Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Numbers: Business _____ Evening _____

Cell _____ Emergency _____ Fax _____

Email _____

****Attach information for all other owners on a separate sheet****

4) LIST ALL KNOWN LIEN HOLDERS/ OTHER PARTIES WITH AN OWNERSHIP INTEREST

Lien Holder 1

Name: _____ Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Numbers: Business _____ Evening _____

Cell _____ Emergency _____ Fax _____

****Attach information for all other lien holders on a separate sheet****

5) EXPECTED TIME PERIOD OF VACANCY _____

6) PLAN FOR OCCUPANCY / COMPLIANCE / DEMOLITION

Proposed Action Type: Re-Occupancy _____ Compliance _____ Demolition _____

Estimated Timeline For Necessary Actions & Corrections: _____

Describe Any Conditions That Need Correction: _____

Brief Description of Proposed Plan: _____

7) REGISTRATION FEES

The registration fees for vacant properties in the City of Hopkins are as follows:

Single property not within five hundred feet of another Vacant Property with same Owner - \$500.00 per property first calendar year, \$1000.00 each subsequent calendar year the properties remain vacant.

Two or more Vacant Properties with same Owner located within five hundred feet of each other - \$1,000.00 per property first calendar year, \$2,500.00 each subsequent calendar year the properties remain vacant.

8. EXEMPTION FROM REGISTRATION FEES

This property is exempt from registration fees for the following: (check all that apply)

- Valid Rental License Per Hopkins Ordinance Section 407 and is actively marketed "for rent" (must show proof)
 - Property is actively marketed as "for sale" (must show proof)
 - Valid (Re) Development Agreement with City of Hopkins HRA
 - Registration Fee For Current Calendar Year Paid By Previous Owner
 - Plan to Re-occupy Within 180 days (execute attached Affidavit)
-
-

You are being asked for this information pursuant to Hopkins Ordinance 455.03, for the purposes of complying with the Vacant Property registration requirements of Section 455. If you own "Vacant Property," as that term is defined under Hopkins Ordinance 455.01, then you are required to provide required registration information and failure to do so is a misdemeanor, may result in a request for injunctive relief, and may result in increased registration fees under Hopkins Ordinance 455.13. The City intends to maintain this information as "security information," as that term is defined by the Minnesota Government Data Practices Act, and will attempt to limit its dissemination. However, the City will comply with all mandatory data practices or litigation requests.

Applicant:

I hereby attest to the truth and accuracy of the information contained in this application.

Signature of Owner / Agent _____ Date: _____

Print Name: _____

For City Use Only	Date Received _____
Application checked and approved by: _____	Date Approved _____

- [About](#)
- [Info for Buyers](#)
- [Info for Sellers](#)
- [Foreclosures and Short Sales](#)
- [Market Stats](#)

[Twin Cities Real Estate Blog](#)

Housing News, Opinion, Statistics and Homes for Sale

Edina Realty

800-941-0959

- [Search Foreclosures for Sale](#)
- [Search Homes for Sale](#)
- [Homes for Sale By City](#)
- [Neighborhood Suggester](#)
- [All Real Estate Articles](#)

You are here: [Home](#) / [Community Issues](#) / Richfield's Vacant Building Registration Program

Richfield's Vacant Building Registration Program

March 15, 2011 By [Aaron Dickinson](#) [Leave a Comment](#)

The City of Richfield is currently considering a lengthy and wide-reaching ordinance regarding vacant buildings – both residential and commercial. This issue has come up in many cities recently but this proposed ordinance is one of the most aggressive ones I have seen. [Please read the proposed ordinance here.](#)

Cities across the country today are dealing with large numbers of foreclosures and with that come problem properties for the cities to deal with – which costs time and money and also affects the surrounding neighborhood. While Richfield's desire to reduce/eliminate blight and to better manage costs for protection and code enforcement are admirable, this proposed ordinance goes well beyond what I believe necessary.

I wanted to point out a few areas of this ordinance that I thought are of particular note:

1. **Vacant properties do not mean abandoned properties**

There are many vacant properties in cities that are regularly checked and maintained by the owners or a caretaker – while these properties may not have an occupant, they are not dilapidated or unsecured. This ordinance makes no distinction between properties that are well cared for and those that are not.

F k d w # z l w k # x v \$

2. Policing a vacant but maintained property should not bear any additional costs

The City states in the cover letter to the ordinance that they are looking for the extra costs of monitoring vacant properties be assigned to the owners of those properties. If a vacant property's exterior is being maintained and the home is properly secured, then the City's costs to "monitor" the property are no higher than with any other property in the city. In many circumstances it is impossible to tell a properly maintained home is vacant.

3. "Snow birds" are given special treatment

If the concern is that vacant buildings are a source of crime and disrepair, why are snow birds and other extended vacationers given special treatment? A vacant property is a vacant property, is it not? Snow birds still have to register the property but are given a waiver from fees.

4. Vacant homes become code compliance nightmares

The ordinance would allow building officials to inspect any vacant building at will and look for any code violations on or in the property and enforce code compliance prior to re-occupancy – power they do not have on occupied properties, except at time of sale. (4A-6 Subd.7)

5. Properties vacant for more than 365 days can be required to be demolished

While the provision does note that compliance officials can override this rule if a compliance officer approves a property plan, this leaves a very broad opportunity for the city to demolish problem properties and could be a shortcut to normal demolition procedures? (4A-4 (b) (4))

6. Significant power rests with compliance officials

Many provisions of the ordinance allow decision discretion to be made by the compliance officials and such decisions therefore may be unequally determined in each case. (pg 4A-2, Subd. 4)

7. Many unintended parties may be impacted by this ordinance

* Relocating homeowners in process of selling their home (any property vacant for 30 days is affected)

* Estate situations

* Military deployments

* Temporary employment in another location

* Vacationing residents unaware of the ordinance

* Landlords that have a gap in renters of more than 1 month (common especially in commercial)

8. The problems that this ordinance intends to address are largely short-term problems

The huge influx in foreclosed homes these last few years has added significantly to the list of problem properties, but this influx appears to already be peaking and should wane in the coming years. Consequently the broad and complex nature of this ordinance will have substantially diminished value in just a few years.

9. Most of the underlying issues can be resolved by general property maintenance ordinances

* Occupied houses can have severe blight

* Just like "time of sale" inspections, this ordinance will only have power over a subset of properties so it isn't a comprehensive attack on city blight.

* Exterior maintenance (yard, debris, building, secured doors) should be an area of focus for all homes, not just the vacant ones

* This is a very involved compliance process, which means significant resources will be spent on this – time better spent in locating and addressing problem properties through conventional means.

* "Problem properties" could have escalating enforcement and fines/penalties without targeting the innocent and compliant owners

F k d w # z l w k # < v \$

We all desire stable, safe and appealing neighborhoods but views on the proper approach to achieve such goals will vary widely. An ordinance with such impact needs discussion amongst all the stakeholders (property owners, real estate agents, property managers, city staff, city council) and an opportunity for dialog and input by the public at large before this is enacted.

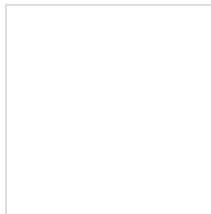
The City of Richfield should slow this process down to allow for these conversations to happen before taking any further action.

A second reading is scheduled for March 22, 2011 and after that second reading, the City Council may vote to approve the ordinance at that time or any date subsequent. If you are concerned about this ordinance, the time to act is NOW!

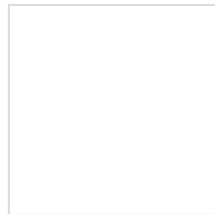
Related Posts:

- [Golden Valley Revises I/I Inspection Requirements](#)
- [Agents Disrespecting Vacant Houses](#)
- [Agents: Shovel Your Vacant Listings](#)
- [Vacant Houses for Sale](#)
- [Already Bruised & Beaten, Cities Take a Swing at Banks](#)

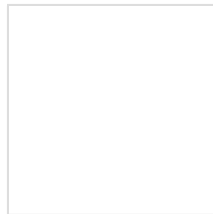
You might also like:



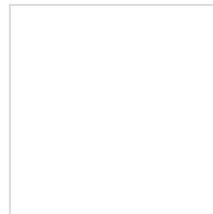
Agents: Shovel
Your Vacant
Listings



Stupidly Slow Short
Sales That Seldom
Sell



Foreclosures are a
Lagging Indicator



2010 Twin Cities
Pre-Foreclosure
Notices up 20% vs
2009

LinkWithin

Filed Under: [Community Issues](#), [Foreclosures and Short Sales](#), [Neighborhood Info](#), [Opinion](#), [Personal Experiences](#)

Speak Your Mind

Name *

Email *

Website

F k d w # z l w k # x v \$